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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-734

13 **JAMES M. CRAWFORD**
14 **2659 Russmar Drive**
San Diego, CA 92123

A C C U S A T I O N

15 **Registered Nurse License No. 481340**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 1992, the Board of Registered Nursing issued Registered
24 Nurse License Number 481340 to James M. Crawford (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on October 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

9

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

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13 10. Section 2765 of the Code states:

14 A plea or verdict of guilty or a conviction following a plea of nolo contendere
15 made to a charge substantially related to the qualifications, functions and duties of a
16 registered nurse is deemed to be a conviction within the meaning of this article. The
17 board may order the license or certificate suspended or revoked, or may decline to
18 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
19 conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
guilty, or dismissing the accusation, information or indictment.

20 REGULATORY PROVISIONS

21 11. California Code of Regulations, title 16, section 1444, states:

22 A conviction or act shall be considered to be substantially related to the
23 qualifications, functions or duties of a registered nurse if to a substantial degree it
24 evidences the present or potential unfitness of a registered nurse to practice in a
manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following:

25 (a) Assaultive or abusive conduct including, but not limited to, those violations
26 listed in subdivision (d) of Penal Code Section 11160.

27 (b) Failure to comply with any mandatory reporting requirements.

28 (c) Theft, dishonesty, fraud, or deceit.

1 (d) Any conviction or act subject to an order of registration pursuant to Section
2 290 of the Penal Code.

3 12. California Code of Regulations, title 16, section 1445 states:

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5 (b) When considering the suspension or revocation of a license on the grounds
6 that a registered nurse has been convicted of a crime, the board, in evaluating the
7 rehabilitation of such person and his/her eligibility for a license will consider the
8 following criteria:

9 (1) Nature and severity of the act(s) or offense(s).

10 (2) Total criminal record.

11 (3) The time that has elapsed since commission of the act(s) or offense(s).

12 (4) Whether the licensee has complied with any terms of parole, probation,
13 restitution or any other sanctions lawfully imposed against the licensee.

14 (5) If applicable, evidence of expungement proceedings pursuant to Section
15 1203.4 of the Penal Code.

16 (6) Evidence, if any, of rehabilitation submitted by the licensee.

17 **COST RECOVERY**

18 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 **CAUSE FOR DISCIPLINE**

23 **(November 9, 2011 Criminal Conviction for Failing to Provide Animal Care)**

24 14. Respondent has subjected his license to disciplinary action under sections 490 and
25 2761, subdivision (f) of the Code in that Respondent was convicted of crimes that are
26 substantially related to the qualifications, functions, and duties of a registered nurse. The
27 circumstances are as follows:

28 a. On or about November 9, 2011, in a criminal proceeding entitled *People of the
State of California v. James Michael Crawford*, in San Diego County Superior Court, case
number M094562, Respondent was convicted on his plea of guilty on two counts of violating

1 Penal Code section 597.1, owner failing to provide animal care, a misdemeanor. The court
2 dismissed four additional counts of violating Penal Code section 597.1, and four felony counts of
3 cruelty to animals (Pen. Code, § 597(b)), pursuant to a plea agreement

4 b. As a result of the convictions, on or about November 9, 2011, Respondent was
5 sentenced to three years summary probation. Respondent was required to forfeit ownership of his
6 two dogs, and he was forbidden to own or care for any animals while on probation. Respondent
7 was ordered to pay fines and fees, and submit to a Fourth Amendment waiver.

8 c. The facts that led to the convictions are that on or about the evening of July 25,
9 2011, an officer with the San Diego Police Department conducted a welfare check at
10 Respondent's residence after the department received a call from Respondent's neighbor. The
11 neighbor had not seen Respondent for four days, and his garage door had been left open the entire
12 time, which was unusual. Upon arrival at the residence, the officer entered Respondent's
13 residence and found two live Yorkshire terriers and at least two dead Yorkshire terriers. The
14 officer contacted San Diego County Department of Animal Services and an investigator arrived at
15 the scene. According to the investigator, there was an overwhelming smell of feces and urine in
16 the residence; the air was stagnant and it was difficult to breathe. Two Yorkshire terriers
17 approached the investigator. They appeared to be of decent weight, but their fur was severely
18 matted and their paws were caked with feces. The investigator stated that the house was cluttered
19 and there was feces everywhere. There were large containers of food and water on the floor.
20 There was also what appeared to be a grooming table with clippers, brushes, and combs. The
21 investigator entered a room that had been blocked with a three-foot high wire gate. There was an
22 overwhelming smell of feces, urine, and decaying flesh in the room. In the middle of the room
23 was a dead Yorkshire terrier. It was stiff, dried out, and flattened to the floor. The body was
24 severely matted and decayed. The investigator found another dead Yorkshire behind the fireplace
25 in the same condition. In the back of the room, the investigator found a third dead Yorkshire
26 terrier in a trashcan. The investigator impounded the two living Yorkshire terriers and left notice
27 for Respondent.

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1 PRAYER

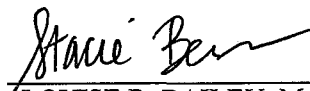
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 481340, issued to James
5 M. Crawford;

6 2. Ordering James M. Crawford to pay the Board of Registered Nursing the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: NOVEMBER 15, 2012

13 *for*  LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant

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